

STATE OF COLORADO

Colorado Department of Agriculture

www.ag.state.co.us

700 Kipling Street, Suite 4000
Lakewood, CO 80215-8000
(303) 239-4100
(303) 239-4125 FAX

Inspection & Consumer Services Division/Fertilizer Program
2331 W 31st Avenue
Denver, CO 80211-3859
(303) 477-0086
(303) 480-9236 FAX



Bill Ritter, Jr., Governor
John R Stulp, Commissioner
Sheldon R. Jones, Deputy Commissioner

August 22, 2007

Dear Respected Industry Member:

The Colorado Department of Agriculture is proposing changes to the Commercial Fertilizer, Soil Conditioner, Plant Amendment, and Agricultural Liming Material Act (35-12 C.R.S) for consideration during the upcoming 2008 Legislative Session. During the past 30 years, the fertilizer and soil conditioner industries have undergone many changes; however, the Commercial Fertilizer Law has not been revised since it was adopted in 1977.

The following is a list of the most significant changes that are recommended:

- New Definition For Compost
 - *"Compost" means a product that contains one or more essential available plant nutrients and is derived from the biological decomposition of organic matter by means of composting.*
- Regulatory Scheme For Compost
 - Allows agricultural producers to sell compost without the assessment of registration and inspection fees. This proposal will allow companies to market compost as a value-added fertilizer product or soil conditioner if they wish to do so, although fees will be assessed for products marketed in this manner.
- Streamlining The Regulatory Process
 - Elimination of the brand registration requirement
 - Changes the report filing requirement from semi-annual to annual and allows the Commissioner to establish due dates for reports and applications.
 - Replaces automatic daily penalties for late filing of registrations and reports with discretionary civil penalties.
- Adding Product Labeling Requirements
 - Directions for use
 - The date of manufacture, processing, packaging or repackaging or a code that permits the determination of the date; or if bulk, the shipment or delivery date

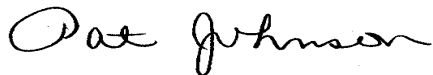
- Removal of archaic language.
 - Strikes all references to agricultural liming materials
 - Eliminates criminal penalties for violations
 - Eliminates the requirement for the assessment of a mandatory penalty for deviation from guaranteed analysis
 - Eliminates the penalties for short weight packages
- Other Changes
 - Addition of new language to comply with the Colorado Administrative Procedures Act (24-4 C.R.S.) that would grant authority to the Department to issue civil penalties for violations
 - Adds definitions for “fertilizer,” “distributes,” “product,” and “product name”
 - Allows the Commissioner to provide funding to Colorado State University for research on compost, commercial fertilizers or soil conditioners from registration fees

A copy of the proposed law draft is enclosed for your review.

Your comments are crucial to this process. Please send them to me via mail, fax, or e-mail (pat.johnson@ag.state.co.us) by **Friday, September 14, 2007**.

Feel free to contact me at (303) 477-0086 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Pat Johnson". The signature is written in a cursive, flowing style.

Pat Johnson
Fertilizer Program Administrator